



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 24, 1998

Ms. E. Cary Grace  
Assistant City Attorney  
City of Houston  
Legal Department  
P.O. Box 1562  
Houston, Texas 77251-1562

OR98-1740

Dear Ms. Grace:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 117108.

The Houston Police Department (the "department") received an open records request for two offense reports. You state that the department will release one of the reports to the requestor. You seek to withhold pursuant to section 552.108 the remaining report except for those portions that are specifically made public under *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976).

Section 552.108(a)(1) of the Government Code excepts from required public disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime." Because you state that the records at issue pertain to a pending criminal investigation and possible prosecution, we conclude that you have met your burden of establishing that the release of the information at issue could interfere with law enforcement or prosecution. The department, therefore, may withhold the information at issue at this time pursuant to section 552.108(a)(1) of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Hastings  
Assistant Attorney General  
Open Records Division

KHH/RWP/mjc

Ref.: ID# 117108

Enclosures: Submitted documents

cc: Ms. Evelyn Lopez  
7124 Avenue K  
Houston, Texas 77011  
(w/o enclosures)